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# Justice, Community and Dialogue in International Relations

Richard Shapcott



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# 1 Beyond the cosmopolitan/ communitarian divide

we want equality without its compelling us to accept identity; but also difference without its degenerating into superiority/inferiority. We aspire to reap the benefits of the egalitarian model and of the hierarchic model; we aspire to rediscover the meaning of the social without losing the quality of the individual.<sup>1</sup>

In recent years the question of community in IR has been discussed increasingly in terms of a cosmopolitan/communitarian divide. According to Chris Brown the cosmopolitan/communitarian divide concerns argument over whether the state or the species represent the limit of human community.<sup>2</sup> Cosmopolitans, Brown argues, place

<sup>1</sup> T. Todorov, *The Conquest of America* (New York: Harper, 1982), p. 249.

<sup>2</sup> While these terms are relatively new to the discourse of IR Chris Brown argues that the positions themselves have a pedigree that goes back a long way. The formulation cosmopolitan/communitarian echoes the formulation, of 'man and citizen'. Though the pedigrees of these two discourses are different, the central question is the same: which comes first, membership of the community or the species? What the cosmopolitan/communitarian formulation captures at this particular juncture, however, is the question of cultural difference, as it theoretically opens up the possibility of substate communities, whereas the men and citizens formulation focuses on the state/citizenship relationship. It is interesting to note that Andrew Linklater argues that citizenship can go higher and lower to include the species and the substate community, whereas Brown – a sympathiser with communitarianism – resists the claims of non-state communities. See C. Brown, *International Relations Theory: New Normative Approaches* (London: Harvester Wheatsheaf, 1992); C. Brown, 'International Political Theory and the Idea of World Community' in Smith, S. and Booth, K. *International Relations Theory Today* (Cambridge: Polity, 1995) and C. Brown, 'Ethics of Coexistence: The International Theory of Terry Nardin', *Review of International Studies*, 14 (1988), 213–22; also J. Thompson, *Justice and World Order: a Philosophical Enquiry* (London: Routledge, 1992); M. Cochran, *Normative Theory in International Relations* (Cambridge: Cambridge University Press, 1999); M. Cochran, 'Cosmopolitanism and Communitarianism in a Post-Cold War World', in J. Macmillan and A. Linklater (eds.), *Boundaries in Question: New Directions in International Relations* (London: Pinter, 1995); A. Linklater, *Men and Citizens in the Theory of International Relations*, 2nd edn (London: Macmillan, 1990).

ultimate moral significance on the individual and the species, while communitarians situate it in the local or national community, or the individual's relationship to the community. Central to this debate have been the questions of universal justice and cultural diversity. As it presently stands, the formulation of the problem of community in IR suggests that these two goals are necessarily oppositional. Cosmopolitanism, on one hand, is seen as championing universal justice and membership of the human community at the expense of cultural diversity and membership of particular communities. On the other, communitarianism is seen to be hostile to universal projects and sees any attempt to develop universal moral vocabularies as necessarily destructive of the particular communities in which people exist. The constitution of this issue in terms of a divide has meant that universal cosmopolitan justice has continued to be seen as in conflict with the goal of maintaining cultural diversity and justice to difference. The cosmopolitan/communitarian divide, therefore, restates the opposition between community and difference.

The aim of this chapter is to assist in overcoming this divide, as a step towards achieving a more just relationship to difference. In order to begin this task it is necessary to examine both cosmopolitan and communitarian positions. This chapter argues that neither cosmopolitanism nor communitarianism, in their most widely understood formulations, are adequate in themselves to the task of providing a satisfactory relationship to 'difference'. The inadequacy of both cosmopolitan and communitarian positions can be demonstrated by analysing them according to the criteria of 'communication' as categorised in the Introduction. In particular it is argued that both cosmopolitan and communitarian positions exclude or marginalise the possibility of moral communication and conversation between diverse groups.

The aim of this exercise, however, is not the total rejection of either cosmopolitan or communitarian positions; rather it is to effect a reconciliation. The problem lies in neither communitarianism nor cosmopolitanism, as such, but rather in aspects of the dominant formulations and, most importantly, the divide between them. The absence of an adequate account of communication on either side of the divide leads to a too-quick foreclosure of the possibilities for what may be called a communitarian path to cosmopolitanism.<sup>3</sup> There are two goals in this chapter: the assessment of both cosmopolitan and communitarian positions according to the category of

<sup>3</sup> It is these possibilities that form the focus of chapters 3 to 6.

communication; and beginning the task of overcoming the divide between them.

For the sake of clarity the discussion here is restricted to the liberal-cosmopolitanism of Charles Beitz, the obligations-based cosmopolitanism of Onora O'Neill, and the communitarianism of Michael Walzer and Chris Brown. Liberal-cosmopolitanism designates rights-based cosmopolitanism, as distinct from other forms such as Marxism or those endorsed by critical theorists like Andrew Linklater and David Held. While Beitz, O'Neill, Walzer and Brown are by no means the only important advocates of these positions, they are nonetheless useful representatives of these categories. In particular Beitz's use of early Rawls ties him directly to the principal focus of the liberal/communitarian debate and brings the concerns of that debate to the discussion of cosmopolitanism. Second, not only has Michael Walzer been one of the most important critics of Rawls, he has also been one of the few communitarians to attempt to think systematically about the international realm. Chris Brown can also be understood as attempting an application of aspects of communitarian thought to the international realm. Onora O'Neill presents an alternative reading of cosmopolitanism that expressly attempts to address some of the concerns of communitarianism. In focusing on these authors, the purpose is to depict them as representatives of correlate positions in political theory, on which the cosmopolitan/communitarian debate in IR draws.

The key to moving beyond the cosmopolitan/communitarian divide lies in a better understanding of the origins and nature of both positions. One of the problems with the cosmopolitan/communitarian framework is that it misrepresents the nature of the issues at stake, constructing debate as one over moral/political *boundaries*. However, much of the literature on which this debate draws is not concerned with boundaries as such but with disputes over the nature, source or grounding of morality *per se*. Characterised as a debate between liberals and communitarians, the central question is about how we acquire *knowledge* of the good, and the relationship between the right and the good, rather than over the *boundaries* of the moral community.<sup>4</sup> The Liberalism of the early Rawls, for example, appears to attempt definition of the nature of the moral point of view and pursues the possibility of defining a universal

<sup>4</sup> See S. Mulhall and A. Swift, *Liberals and Communitarians* (Oxford: Blackwell, 1992); also D. Morrice, 'The Liberal-Communitarian Debate in Contemporary Political Philosophy and its Significance for International Relations', *Review of International Studies*, 26 (2000), 233–51.

procedural account, in which the qualities of the right are defined once and for all time. Communitarianism, on the other hand, suggests that the contextual and historical nature of human social life prevents such an exercise from succeeding. Both liberalism and communitarianism begin with premises relating to the nature of morality itself and only then move on to positions regarding the scope of moral boundaries; in particular whether morality is transcendental, or universal, or whether it is contextualised and particular.<sup>5</sup>

There is an important qualifier that needs to be made here. Because they are not concerned with boundaries *per se* very few, if any, communitarians argue that we have *no* obligations to others, or more correctly, that community borders work as strict walls preventing expressions of moral solidarity and action between peoples. Most accept that humans on the whole are moral beings capable of treating each other morally regardless of their particular origins or situations. What the definition or expression of morality might consist of is disputed, in the sense that we may have different obligations to those who do not belong to the immediate community, but this is secondary to the charge that communitarians restrict moral actions to the domestic sphere entirely. Likewise, many liberals, such as Rawls, accept that their theories presuppose consensus and existent levels of community, and, therefore, cannot be applied unproblematically to the international realm.<sup>6</sup>

However, what does distinguish these positions are their conceptions of selfhood and moral agency. Liberal and communitarian positions begin with different conceptions of the moral self, and derive from them different conceptions of community. What is at issue here is the nature of

<sup>5</sup> This is what the framework suggests. What the participants themselves argue is often different. Some communitarians, such as Charles Taylor, give more specific endorsement to the possibility of heterogeneous community. See C. Taylor and A. Gutman, *Multiculturalism: Examining the Politics of Recognition* (Princeton University Press, 1994). See also his discussion of communitarianism in C. Taylor, 'Cross-Purposes: The Liberal-Communitarian Debate', in N. L. Rosenblum (ed.), *Liberalism and the Moral Life* (Harvard University Press, 1989). Taylor argues that the liberal/communitarian debate runs together two issues which should be kept separate, namely ontology and advocacy. It blurs the distinction between 'the factors you will invoke to account for the good life' and 'the moral stand or policy one adopts'. Taylor, 'Cross-Purposes', p. 159. The two are not necessarily related he argues and to conflate them is to conflate description with prescription.

<sup>6</sup> For instance see M. Walzer, 'The Distribution of Membership' in P. G. Brown and H. Shue (eds.), *Boundaries: National Autonomy and its Limits* (New Jersey: Rowman and Littlefield, 1981); J. Rawls, 'The Law of Peoples', in S. Shute and S. Hurley, *On Human Rights: The Oxford Amnesty Lectures* (New York: Basic Books, 1993); J. Rawls, *Political Liberalism* (Columbia University Press, 1993).

the 'selves', or moral agents, that populate the moral community and the relationship to otherness suggested by the different conceptions of the self. Understanding these various levels will allow assessment of both cosmopolitan and communitarian positions and a movement beyond the divide at the level of boundaries.

### **The cosmopolitan/communitarian divide in international relations theory**

This section demonstrates how the cosmopolitan approaches to international justice articulated by Charles Beitz and Onora O'Neill display many characteristics of the assimilationist attitude. The following section demonstrates how communitarian positions, such as that articulated by Michael Walzer and Chris Brown, too quickly settle for coexistence at the expense of communication. In order to argue this case the work of Seyla Benhabib is employed.<sup>7</sup> The discussion concludes by suggesting how both cosmopolitan and communitarian positions can contribute to the development of a communicatively based universalism that does justice to difference.

The positions occupied at the level of practice in cosmopolitan and communitarian thought stem from the conception of the moral self and of human agency that underpin liberal and communitarian thought, respectively. In particular, liberal thought relies on a highly abstracted, idealised conception of human agency and selfhood. Communitarian thought alternatively focuses on the embedded and contextual nature of human morality and agency and on how selfhood is relative to particular social circumstances. These different understandings of selfhood result in divergent understandings of the relationship between self and other in the moral community and involve two different standpoints towards otherness.

Benhabib argues that moral debates of the kind represented by cosmopolitanism and communitarianism privilege either the 'generalised' other or the 'concrete' other. The standpoint of the generalised other has been the dominant standpoint in Western thought from Hobbes to Rawls. It corresponds to the liberal-cosmopolitan position. This standpoint

requires us to view each and every individual as a rational being entitled to the same rights and duties we would want to ascribe to

<sup>7</sup> S. Benhabib, *Situating the Self* (Oxford: Blackwell, 1992).



ourselves. In assuming the standpoint, we abstract from the individuality and the concrete identity of the other. We assume the other, like ourselves, is a being who has concrete needs, desires and affects, but that what constitutes his or her moral dignity is not what differentiates us from each other, but rather what we, as speaking and acting rational agents, have in common. Our relation to the other is governed by the norms of formal equality and reciprocity: each is entitled to expect and to assume from us what we can expect and assume from him or her.<sup>8</sup>

Liberal–cosmopolitanism privileges the generalised other. It employs abstract and impartial conceptions of human capacities, removed from their particular social, cultural contexts. By privileging the generalised other, liberal–cosmopolitanism performs an assimilative task. In particular, it reduces plurality to unity.

The standpoint of the concrete other, in contrast, corresponds roughly to the priorities of the communitarian position. It

requires us to view each and every rational being as an individual with a concrete history, identity, and affective-emotional constitution . . . (it) abstract[s] from what constitutes our commonality and focuses on individuality. We seek to comprehend the needs of the other, his or her motivation, what she searches for and s/he desires. Our relation to the other is governed by the norms of equity and complementary reciprocity: each is entitled to expect and to assume from the other forms of behaviour through which the other feels recognised and confirmed as a concrete, individual being with specific needs, talents and capacities. Our differences in this case complement rather than exclude each other . . . I confirm not only your *humanity* but your *individuality*.<sup>9</sup>

Benhabib uses these categories to help negotiate a position transcending, yet incorporating, both the concrete ‘ethic of care’ offered by writers like Carol Gilligan, and the justice of rights and responsibility offered in most liberal theories of justice.<sup>10</sup> Benhabib argues that an adequate account of moral reasoning and justice cannot afford to privilege either standpoint.<sup>11</sup> Instead, she argues that what is required is an account that mediates between them.<sup>12</sup> What is of importance at this juncture is not

<sup>8</sup> *Ibid.*, p. 159.      <sup>9</sup> *Ibid.*

<sup>10</sup> see V. Held, (ed.) *Justice and Care: Essential Readings in Feminist Ethics* (Boulder: WestView, 1995) for the debates surrounding this approach.

<sup>11</sup> In this sense the categories are intended to be descriptive and not prescriptive.

<sup>12</sup> Such an account, she suggests, is provided by Habermasian discourse ethics. For reasons of space Benhabib’s argument concerning discourse ethics cannot be addressed in this chapter. However, as later chapters will argue it is not entirely clear whether discourse ethics meets the criteria of communication as articulated here. See the discussion in ch. 3.

the issue of Benhabib's solution but her categories of analysis. In the first instance, it is the assimilative function of the generalised other that preoccupies this enquiry.

*Liberal-cosmopolitanism: Beitz*

Liberal rights-based approaches, in one form or another, form the basis of the most widely held interpretations of cosmopolitanism. Rights-based approaches, for example, underlie the advocacy of international human rights laws and of arguments for global redistributive justice.<sup>13</sup> One of the most systematic and widely known formulations of the cosmopolitan position in recent times is offered by Charles Beitz who has outlined a cosmopolitan philosophy derived from the work of John Rawls.<sup>14</sup>

According to Beitz, a cosmopolitan morality must be universal: it must consider the good of the individual and, therefore, of the species. It is concerned '... with the moral relations of members of a universal community in which state boundaries have merely derivative significance. There are no reasons of basic principle for exempting the internal affairs of states from external moral scrutiny. . . '<sup>15</sup> What defines Beitz's cosmopolitanism as liberal, in addition to its individualism, is the commitment to universal and *impartial* principles. According to Beitz, a cosmopolitan position is impartial because it 'seeks to see each part of the whole in its true relative size . . . the proportions of things are accurately presented so that they can be faithfully compared'.<sup>16</sup> Cosmopolitan morality must also, therefore, remain neutral in relation to different conceptions of the good. A cosmopolitan perspective cannot privilege any one group in relation to any other or any group over any individual. It must be non-perspectival, claims Beitz.<sup>17</sup> In other words, cosmopolitanism aspires to treat all individuals alike, regardless of their situation.

For Beitz, this aspiration comes closest to fulfilment in a Rawlsian social contract. The cosmopolitan quest for impartiality requires that 'we must . . . regard the world from the perspective of an original position

<sup>13</sup> See for example H. Shue, *Basic Rights* (Princeton University Press, 1980).

<sup>14</sup> C. R. Beitz, *Political Theory and International Relations* (Princeton University Press, 1979) and J. Rawls, *A Theory of Justice* (Oxford University Press, 1972).

<sup>15</sup> Beitz, *Political Theory and International Relations*, p. 182.

<sup>16</sup> C. R. Beitz, 'Cosmopolitan Liberalism and the States System', in C. Brown (ed.), *Political Restructuring in Europe: Ethical Perspectives* (London: Routledge, 1994), p. 124.

<sup>17</sup> 'By, "non perspectival", I mean that a cosmopolitan view seeks to see each part of the whole in its true relative size . . . the proportions of things are accurately presented so that they can be faithfully compared. If local viewpoints can be said to be partial, then a cosmopolitan viewpoint is impartial.' *Ibid.*, p. 124.

from which matters of national citizenship are excluded by an extended veil of ignorance'.<sup>18</sup> The Rawlsian 'contract' is arrived at through a hypothetical conversation in which rational choosers are placed behind a 'veil of ignorance', where 'individuals are ignorant of their society's history, level of development and culture, level of natural resources, and role [for Beitz] in the international economy'.<sup>19</sup> The 'veil of ignorance' is a levelling device meant to articulate a neutral and impartial principle that mediates between different conceptions of the good in establishing a universal conception of the right. According to Rawls, rational actors choosing from behind a veil of ignorance would agree upon principles whereby society would be organised for 'the greatest benefit of the least advantaged'.<sup>20</sup> The aim of the Rawlsian original position is to determine principles of justice that could be agreed upon by all. It is meant to encapsulate the liberal principles of equality, freedom and impartiality.

Liberal-cosmopolitanism, as articulated by Beitz, privileges the generalised other in several ways. The commitment to impartiality, as specifically formulated by Beitz, privileges the generalised other by attempting to found a position outside of context and above all particularities. The cosmopolitan focus on individuality in Beitz's interpretation of early Rawls, means that ties of context, sectional affiliations and particularistic loyalties, such as family, clan or nation, are to be disregarded for the purposes of moral reasoning; '... when sectional values come into conflict with the requirements of an impartial view, why should the sectional values not simply lose out?'<sup>21</sup> To be impartial towards all particular affiliations, associations and contexts, to take account of the good of the whole means, in Beitz's formulation, to judge from a detached, dispassionate and abstracted position.

According to Iris Marion Young the ideal of impartiality, and thereby the standpoint of the 'generalised' other, denies or represses differences, or assimilates, in three ways.<sup>22</sup> First, it denies the particularity of situations. In it '[t]he reasoning subject . . . treats all situations according to the same moral rules, and the more the rules can be reduced to a

<sup>18</sup> Beitz, *Political Theory and International Relations*, p. 176.

<sup>19</sup> D. R. Mapel, 'The Contractarian Tradition in International Ethics', in T. Nardin and D. R. Mapel, *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992), p. 193.

<sup>20</sup> Rawls, *Theory of Justice*, p. 83. 'Rawls argues that in such situations it is rational to choose principles of justice that maximise one's minimum share should one turn out to be the least advantaged member of society.' Mapel, 'The Contractarian Tradition', p. 193.

<sup>21</sup> C. Beitz, 'Sovereignty and Morality in International Affairs', in D. Held. (ed.), *Political Theory Today* (Cambridge: Polity, 1991), p. 24.

<sup>22</sup> I. M. Young, *Justice and the Politics of Difference* (Princeton University Press, 1990).

single rule or principle, the more this impartiality and universality will be guaranteed'.<sup>23</sup> Second, the variety and particularity of feelings of individual subjects are excluded from the moral realm: '...reason stands opposed to desire and affectivity as what differentiates and particularise persons'.<sup>24</sup> Third, impartiality 'reduces the (actual) plurality of moral subjects to one (abstract) subjectivity'.<sup>25</sup> It is this third description that is the most important in terms of the moment of assimilation. To be universally impartial, the cosmopolitan position must abstract from the particularity of agents and replace them with a generalised, and, therefore, universal, conception of agency. By reducing actual agents/subjects to abstract subjectivity, to the reasoning dispassionate (male) ego, liberal-cosmopolitanism performs an act of assimilation regarding the other's identity. The other's moral identity is taken to be the same in matters of moral reasoning: 'Because it already takes all perspectives into account, the impartial subject need acknowledge no subjects other than itself to whose interests, opinions and desires it should attend.'<sup>26</sup> Young correctly describes this as a monological account of human agency and morality.

The ideal of impartiality, according to Young, constitutes a further threat or denial of difference, in that the claim to theoretical impartiality obscures real particularity. No vantage point is completely impartial and all positions are situated in some sort of context. In other words, there is no 'non-perspectival' perspective. As Young argues: '[i]t is impossible to adopt an unsituated moral point of view, and if a point is situated, then it cannot be universal, it cannot stand apart from and understand all points of view'.<sup>27</sup> Thus, liberal-cosmopolitanism involves insufficient recognition that the abstract, idealised, supposedly impartial, principle of justice is, in fact, the product of a particular history and context of social meanings, of a particular culture, and represents a particular conception of human agency.<sup>28</sup>

<sup>23</sup> *Ibid.*      <sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*      <sup>26</sup> *Ibid.*, p. 101.      <sup>27</sup> *Ibid.*, p. 104.

<sup>28</sup> According to Benhabib this observation does not undermine the universalist project altogether, instead it merely provides a corrective to it. Under the conditions of the 'veil of ignorance' it becomes impossible to know what 'like' might mean: 'Without assuming the standpoint of the concrete other, no coherent universalizability test can be carried out, for we lack the necessary epistemic information to judge my moral situation to be, like, or unlike, yours.' Accordingly Benhabib argues a coherent universalism must take into account the plurality of concrete others. Benhabib, *Situating the Self*, p. 164.

In defence of Rawls and Beitz, it could be argued that the 'original position' attempts to take into account the plurality of subjects, and indeed that this is a central motivation behind the 'veil of ignorance'. However, while the Rawlsian contract may recognise plurality, it does not incorporate it into moral reasoning itself. Instead, the 'veil of ignorance' actually works to exclude any meaningful differences from the deliberation regarding justice. The 'veil of ignorance' is premised on the assumption that if all are situated equally behind it, then all will be able to take the position of others into account. However, behind the 'veil of ignorance' both the 'other' and the 'self' are robbed of any identity. The 'other' disappears because the 'veil of ignorance' requires that participants be ignorant of their own identity as well as that of others. The agents here are rational, autonomous, Kantian selves freely capable of choosing their own ends. However, in Rawls's theory '... this moral and political concept of autonomy slips into a metaphysics according to which it is meaningful to define a self independently of all the ends it may choose and all and any conceptions of the good it may hold'.<sup>29</sup> Thus, individuals are defined purely in terms of the capacity, but not the substance, of their agency. They are defined 'prior to their individuating characteristics'.<sup>30</sup> Defining individuals this way means that behind the 'veil of ignorance' there is in fact no plurality at all; instead there is what Benhabib calls 'definitional identity'. Where there is definitional identity and no plurality, it is impossible to know what the other might want or desire, because nothing is known about the other that is different from what is known about the self. Under conditions of the 'veil of ignorance', 'the *other as different from the self* disappears'.<sup>31</sup> In other words, a significant moment of assimilation occurs.

This leads to the second criteria by which we can judge the cosmopolitan/communitarian debate, namely the issue of conversation. The 'veil of ignorance' is premised on a form of conversation, and it is this conversation that is intended to incorporate the plurality of human agents. However, the conversation is a hypothetical conversation/contract, not an actual one. Justice in this formulation amounts to anticipating what abstracted reasoning individuals would choose in an ideal situation, instead of what embedded, contextualised individuals might agree upon in a real conversation. Furthermore, the outcome of this conversation is anticipated in advance: 'appropriate principles of justice', we are to

<sup>29</sup> *Ibid.*, p. 161.

<sup>30</sup> *Ibid.*, p. 162.

<sup>31</sup> *Ibid.*, p. 161.

suppose, would be those arrived at by all participants from behind a 'veil of ignorance'. But, as Walzer argues: '[R]ational men and women, constrained this way or that will choose one, and only one, distributive system.'<sup>32</sup> Mapel, likewise, notes that in Rawls's theory '... the agreement of the contractors is all but dictated by the normative constraints built into Rawls's initial situation of the "original position"'.<sup>33</sup> This account of justice is too prescriptive, and, therefore, unjust in relation to particularism, because it calculates the outcome on behalf of all others and, unsurprisingly, it arrives at the same outcome for all. The other is like us and, therefore, we can know in advance what they would choose under certain circumstances. Therefore, while the idea of conversation is included, it is not communication in the sense intended by Todorov. The other's voice is not heard here at all, instead it is imputed to it, the other's identity is already assumed in advance.

At the level of agency, we can see that Beitzian liberal-cosmopolitanism involves a high degree of assimilation and disregards the plurality of concrete others. It is assimilative in that it reduces all 'concrete' others to the same identity, that of the 'generalised' other.<sup>34</sup> The claim to impartiality both reduces the other's identity to insignificance and masks the situated identity of liberal-cosmopolitanism. In this sense it equates equality with identity and privileges identity over difference.

Not all accounts of cosmopolitanism are necessarily liberal in the above sense. According to Onora O'Neill it is possible to argue for a reading of Kant that suggests a cosmopolitanism that emphasises obligations over rights and that also is sensitive to the needs of real embedded agents. O'Neill distinguishes between accounts that provide idealised and abstract conceptions of agency: 'A theory or principle is abstract if it gives a general account of some matter – one that literally abstracts from details so is indeterminate.'<sup>35</sup> Abstraction necessarily leaves out details and involves selective omission. Idealisation, on the other hand, involves selective addition. Abstraction is necessary

<sup>32</sup> What Walzer means here is that for those behind the veil there really is no choice, to act rationally in this situation can have only one meaning. M. Walzer, *Spheres of Justice* (Oxford: Blackwell, 1983), p. 5.

<sup>33</sup> Mapel, 'The Contractarian Tradition', p. 183.

<sup>34</sup> According to Benhabib this is usually a western, male, public identity. She argues 'Universalistic moral theories in the Western tradition from Hobbes to Rawls are substitutionalist, in the sense, that the universalism they defend is defined surreptitiously by identifying the experiences of a specific group of subjects as the paradigmatic case of the human as such. These subjects are invariably white, male, adults who are propertied or at least professional.' Benhabib, *Situating the Self*, p. 153.

<sup>35</sup> O. O'Neill, *Faces of Hunger* (London: Allen and Unwin, 1986), p. 28.

in order to think about justice but idealisation is not: 'Abstraction enables us to reach audiences who disagree with us (in part); idealisation disables us from reaching audiences who do not fit or share the ideal.'<sup>36</sup> Rights-based and contractarian approaches are based on an over-idealised conception of agency and so will not be heard by those to whom they are addressed. Additionally these agents, O'Neill suggests, are often in most need of a rigorous account of justice, such as those in the poorest countries of the world. The degree of idealisation precludes their applicability and accessibility to real embedded agents. Idealisation, in presupposing and proposing forms of agency and identity on participants, speaks in a language that is deliberately removed from local contexts and in so doing makes itself unintelligible or inapplicable to the actual agents:

For ethical reasoning to be accessible to the individuals, institutions and collectivities to whom it is addressed they must have some capacities for guiding their action by deliberation, to which the proposed reasoning can be appropriately adjusted. They do not need ideal capacities . . . accessible ethical reasoning has to address the actual and varied capacities for agency of different individual institutions and collectivities.<sup>37</sup>

What is required for this is only a degree of abstraction. Abstraction, O'Neill argues, allows us to think globally, about people who we do not know, without imputing an identity to them. Idealisation requires some imposition of identity upon the agent; the ethical process comes to involve assumptions or argument about individuals that are too prescriptive and assimilative. According to O'Neill, an obligation-based Kantian morality attempts to take into account and accommodate the plurality of contexts and meanings in arriving at a universal morality, and it does so by refusing the level of idealisation of agents adopted by contractarian approaches. Abstract accounts of agency are preferable to O'Neill because they allow for a variety of agents and contexts. This is necessary if any moral universalism is to be achieved. To be universal, moral laws must be accessible to a variety of agents and circumstances. In this way O'Neill attempts to counter the problems of agency that affect other cosmopolitan perspectives. In particular, her argument suggests that a Kantian perspective of this type achieves a balance between the

<sup>36</sup> O. O'Neill, 'Ethical Reasoning and Ideological Pluralism', *Ethics*, 98, July (1988), 714.

<sup>37</sup> O' Neill, *Faces of Hunger*, p. 37.

generalised and the concrete other. Nonetheless, this position remains problematic and contains some threads that may undermine its claim.

The Kantian approach offered by O'Neill still claims both impartiality and a specific account of agency. In particular, the categorical imperative seems necessarily to convey a specific image of individual agents as capable of making free, rational choices as to their own ends. This implies that individuals choose their ends, goals and interests free from the influence of their cultural contexts and those other factors which go to make up their identities (and, therefore, their definition of their ends). Furthermore, the mediation between the universal and the particular in the categorical imperative is deliberated monologically, and abstractly, in advance of any real conversation. O'Neill's perspective attempts to balance the 'generalised' and the 'concrete' other by making principles of moral action reconcilable with local beliefs. For O'Neill, however, this should only be understood in the context of the categorical imperative. For Kantian ethics, the task is to discover and formulate universal principles and to make them accessible to particular local contexts and all this requires is really an act of translation from the abstract to the concrete. The categorical imperative, therefore, is a universal principle worked out monologically in advance and for this reason O'Neill remains committed to a monological account of moral deliberation.

This section has demonstrated the moment of assimilation and the place of conversation in liberal-cosmopolitan thought through an application of Benhabib's categories of the 'generalised' and the 'concrete' other. It argued that a commitment to impartiality as conceived by Beitz, following Rawls, reduces the real plurality of human agents, of concrete others, to a single abstract and idealised human subject. The reduction of many voices to one repeats the moment of assimilation present in Las Casas's approach to the other by replacing knowledge of the other with a form of one's own 'ego ideal'; by seeing not the other, but oneself.

### **Communitarianism**

If the cosmopolitan position appears biased too heavily in favour of the generalised other, then the communitarian position appears to favour the concrete other. At the level of agency, communitarians take the position of the concrete other as the starting point of their deliberations on justice. As Walzer argues

... the question most likely to arise in the minds of members of a political community is not, What would rational individuals choose under



universalising conditions of such and such a sort? But rather, What would individuals like us choose, who are situated as we are, who share a culture and are determined to go on sharing it?<sup>38</sup>

Communitarians, therefore, share the critique of the standpoint of the generalised other outlined above and instead focus on the concerns of the embedded and particular individual in coming to an understanding about justice.

In contrast to the liberal–cosmopolitan advocacy of universally impartial principles based on idealised conceptions of agency, communitarians argue that justice and morality are relative and particular. In these accounts, justice stems from, and is defined by, the members of the community, and morality is local and contextual:

... if individuals are constituted wholly or in part by the social relations of their communities, if their goals, their ethical judgements and their sense of justice are inextricably bound up with community life, then why should they accept the criteria or evaluations of cosmopolitans?<sup>39</sup>

Communitarian approaches argue that if morality is context-dependent and can only be decided within a culture/community, attempts to propound universal conceptions of justice come up against the barrier of cultural difference. They ask '[w]here do these "external" criteria get their authority?'<sup>40</sup>

According to communitarians, cosmopolitans are particularly prone to attempts to define justice once and for all, universally across time and space. Thus, the cosmopolitan commitment to impartiality between different conceptions of the good life is itself an articulation of a particular conception of the good life.<sup>41</sup> The communitarian critique implies that, given that knowledge is particular and contextual, there will be no way of knowing or judging between the many contextual definitions of the good and establishing which is the correct or best one. In addition, this is sometimes accompanied by a supporting claim that contextual

<sup>38</sup> Walzer, *Spheres of Justice*, p. 5.

<sup>39</sup> Thompson, *Justice and World Order*, p. 22. <sup>40</sup> *Ibid.*, p. 22.

<sup>41</sup> As Walzer notes regarding Rawls: '... the rules of engagement are designed to ensure that the speakers are free and equal, to liberate them from domination, subordination, servility, fear and deference ... but once rules of this sort have been laid out, the speakers are left with few substantive issues to argue and decide about ... The thin morality is already very thick – with an entirely decent liberal or social democratic thickness. The rules of engagements constitute a way of life ...' M. Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (University of Notre Dame Press, 1994), p. 13.

knowledge is necessarily incommensurable. The existence of differing conceptions of the good life, of morality and community, place effective limits on cosmopolitan and universalist arguments for the existence and desirability of transcultural norms. From the communitarian position cosmopolitan morality is seen as the universalisation, and imposition, of one particular morality or agency at the expense of other local or particular moralities. Cosmopolitanism requires a degree of cultural and moral homogeneity. Communitarians see the development of substantive moral universalism in itself as an injustice. Particular norms and cultures are to be valued and protected, and any imposition of universal standards upon them is an unjustifiable denial of integrity or group autonomy. According to Walzer, 'Justice is rooted in the distinct understanding of places, honours, jobs, things of all sorts, that constitute a shared way of life. To override those understandings is (always) to act unjustly.'<sup>42</sup> Given the existence of cultural particularism, we might abandon the quest for more universally inclusive forms of social life, morality and community altogether.

By adopting the standpoint of the concrete other, communitarian positions imply a position of coexistence. If universal norms and principles, appropriate to the position of the generalised other, are seen as doing an injustice to difference, the bias towards the concrete other would seem to suggest that an 'ethics of coexistence' between different communities is the best that can be hoped for.

One expression of communitarianism as an ethics of coexistence can be seen in the work of Chris Brown.<sup>43</sup> Starting from essentially communitarian premises, Brown has argued that the idea of an international society of states represents the best means of coping with value pluralism in the international arena. According to Brown, the society of states is the means by which particular conceptions of the good life, represented by sovereign states, are mediated by mutual recognition of interest in the maintenance of (state) autonomy. In international society states acknowledge that domestic conceptions of the good are not necessarily shared and, more importantly, can only be secured by a pact of coexistence between these competing conceptions which guarantees freedom from undue outside influence. International society is seen as providing the framework of rules that enables separate realms to pursue their own

<sup>42</sup> Walzer, *Spheres of Justice*, p. 314.

<sup>43</sup> I have elaborated on this aspect of Brown's thought elsewhere and what follows is drawn directly from that discussion. See R. Shapcott, 'Conversation and Coexistence, Gadamer and the Interpretation of International Society', *Millennium*, 23. 1, Spring (1994).

goals, aims or versions of the good life. 'The general function of international society is to separate and cushion, not to act.'<sup>44</sup> R. J. Vincent has described this as the 'egg box' conception of international society.

For Brown, Terry Nardin has provided the best articulation of this aspect of international society.<sup>45</sup> In establishing the nature of international society Nardin makes a distinction between 'purposive' and 'practical' associations. Purposive association is concerned with pursuing common and shared goals, such as a Trade Union might do. Practical association concerns the relationship between those '... who are associated with one another, if at all, only in respecting certain restrictions on how each may pursue his own purposes'.<sup>46</sup> This type of association covers those areas concerned with the rule of law and standards of conduct, it is '... a set of considerations to be taken into account in deciding and acting ...'<sup>47</sup> or, in other words, the rules of engagement. Nardin himself draws on the work of Michael Oakeshott for this distinction.<sup>48</sup> The point is that Brown wants us to see that in Nardin's version '... the nature of international society is such that all-inclusive association can only be practical'.<sup>49</sup> Because the rules of international conduct are premised on the lack of agreed common purposes, the type of conversation in this community is limited to the terms of its continued existence. Nardin's version of international society is that of the 'egg-box'. In such an association the objective is merely to keep the various purposive associations apart; it has no role in facilitating understanding or agreement on matters of substance. This notion of ethics extends the possibility of shared values only so far as the maintenance of minimal order. Moral relativism is tempered only by need to manage diversity, to define rules of engagement and procedure; to establish a secure cushioning environment, an egg box. Thus for

<sup>44</sup> R. J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986).

<sup>45</sup> See T. Nardin, *Law, Morality and the Relations of States* (Princeton University Press, 1983). For Brown's discussion of Nardin see Brown, 'Ethics of Coexistence' and also *International Relations Theory: New Normative Approaches*.

<sup>46</sup> Nardin, *Law, Morality and the Relations of States*, p. 9. Brown refers to these as the '... general arrangements of society'. Brown, 'Ethics of Coexistence', p. 215.

<sup>47</sup> Nardin, *Law, Morality and the Relations of States*, p. 6.

<sup>48</sup> See *ibid.* and M. Oakeshott, *On Human Conduct* (Oxford University Press, 1975). This argument closely parallels 'realist' views which emphasise difference as intractable (though it doesn't echo the realist distinction between domestic and international realms and the ensuing rejection of normative concerns in relations between states). In Brown's reading of Nardin 'Individual states are independent actors, mirroring Oakeshott's free human beings ... and for all the play that is made with the notion of interdependence reducing barriers between states, is likely to remain so'. Brown, 'Ethics of Coexistence', p. 218.

<sup>49</sup> *Ibid.*, p. 215.

Brown, international society has been conceptualised as the means by which different particular thick cultures maintain their separateness.<sup>50</sup>

*Difference and exclusion in Walzer*

Communitarian thinking in International Relations attempts a formulation of community that does justice to the other by including and recognising a wide range of moral and cultural diversity. However, by settling on coexistence, this type of communitarian thought is also exclusive of difference. It is exclusive in the sense that it defines a more strict boundary between those inside the community of 'concrete others' and those outside. In so doing it defines a boundary between those we are capable of communicating with and those who are essentially outside of the conversation.

While an ethics of coexistence resists an articulation of difference as inferiority, it nonetheless consigns some concrete 'others' to a place outside the realm of moral conversation. According to communitarian thought, moral conversation can only take place within a community of shared values. Walzer argues that communities of this type are necessarily particularistic '... because they have members and memories, members with memories not only of their own but also of their common life. Humanity by contrast, has members but no memory, so it has no history and no culture, no customary practices, no familiar life-ways, no festival no shared understanding of social goods.'<sup>51</sup> In other words, the absence of shared social goods, of a common discourse of meaning, places limits on the capacity to communicate. Communitarian thought, therefore, implies a morally exclusive community.

While Walzer defends the communitarian emphasis on the concrete other, he also attempts to include, to a limited degree, those outside the immediate moral community. Walzer wishes to acknowledge that there are concrete others outside our community of shared discourse, towards whom we can act ethically and morally. Therefore, while the existence or non-existence of a shared language or culture places limits on the possibility for universal community, these limits are not absolute.

<sup>50</sup> This approach corresponds with what is known as the pluralist interpretation of international society. However, a solidarist interpretation is also available. The advantages of the solidarist interpretation will be discussed in later chapters; all that needs to be noted at this point is that the interpretation of the role of international society provided by Brown and Nardin can be contested by a more cosmopolitan or solidarist reading, see N. Wheeler and T. Dunne, 'Hedley Bull's Pluralism of the Intellect and Solidarism of the Will', *International Affairs*, 72 (1996), 1–17.

<sup>51</sup> Walzer, *Thick and Thin*, p. 8.

Walzer wishes to advocate '... the politics of difference and, at the same time, to describe and defend a certain sort of universalism'.<sup>52</sup> Walzer is clearly aware of the inadequacy of certain forms of communitarianism and, while he does not want to argue that we have Kantian obligations to those concrete others, he does suggest that '... the members of all the different societies, because they are human can acknowledge each other's different ways, respond to each other's cries for help, learn from each other and march (sometimes) in each other's parades'.<sup>53</sup> Walzer, therefore, has argued for a 'thin' universalism. A thin morality is juxtaposed to a thick, contextualised and concrete morality occurring within a community. What is possible outside this type of community is a thin or minimal morality. A moral minimalism '... makes for a certain limited, though important and heartening solidarity. It doesn't make for a full-blooded universal doctrine'.<sup>54</sup> It refers to the ability to empathise and think morally about the other and depends '... most simply, perhaps, on the fact that we have moral expectations about the behaviour not only of our fellows but of strangers too'.<sup>55</sup> So moral minimalism means, for example, that we can empathise with what is meant when marchers in Prague use the terms 'freedom' or 'justice', without necessarily sharing the concrete particular meanings of the marchers.

Walzer's minimalism is nonetheless insufficient because, as he articulates it, it is not a principle of conversation but of intuition. Minimalism, argues Walzer, '... is less the product of persuasion than of mutual recognition among the protagonists of different fully developed moral cultures'.<sup>56</sup> However, while this moral minimalism claims some universal status while seeking recognition of the other's identity, it does not do so through conversation, communication or dialogue. Walzer, like Las Casas, believes the other to be worthy of moral consideration and even solidarity but holds this to be best recognised by a position of coexistence.

Likewise Brown's version of international society is also an attempt to acknowledge that communitarian premises do not rule out the possibility of a thin universal agreement. For Brown this exists in the form

<sup>52</sup> *Ibid.*, p. x.      <sup>53</sup> *Ibid.*, p. 8.      <sup>54</sup> *Ibid.*, p. 11.      <sup>55</sup> *Ibid.*, p. 17.

<sup>56</sup> *Ibid.*, Walzer's use of the term 'fully developed' here lends further support to his aim to refute the charge of relativism as it suggests a greater commitment to the possibility of ranking different cultures according to their moral development and thereby to a substantially 'thicker' sense of universalism.

of the rules of coexistence which, while minimalist and 'practical', are nonetheless moral. For Brown coexistence is a thin moral solution to the problem of ethical and cultural pluralism and provides the most satisfactory form for the recognition of difference in the international realm.<sup>57</sup> Unlike Walzer, Brown does argue that coexistence requires some form of conversation, if only to establish the nature of the pluralist international society. Having done so he then limits conversation to that task alone and rules out the possibility of engaging in more substantive conversation that might, for instance, lead to the emergence of shared, common purposes and, therefore, of a purposive international society.

Walzer and Brown are unable to articulate a proper sense of communication because of their communitarian starting point. Communitarians argue that liberal theorists rely on, but do not acknowledge or theorise, presupposed levels of community. They assume a 'we' who all belong to shared historical continuity of meaning; they assume *Sittlichkeit*. Liberals ask '[W]hich formulation of principles is most in harmony with pre-existing liberal beliefs and values?', while at the same time couching their answers in universal formulations which go beyond merely liberal communities. The communitarian project aims in part to expose the situated bases of liberal thinking. In taking the givens of community as the starting point of their critique of liberalism, however, communitarians underestimate the possibility of moving beyond and enlarging that community.

### **Beyond the cosmopolitan/communitarian divide**

So far, this chapter has argued that liberal-cosmopolitanism offers the possibility of a universal community of humankind, while at the same time running the risk of requiring the community to be populated by a particular conception of human agents, by modern western autonomous individuals. Liberal-cosmopolitan positions, therefore, privilege identity over difference. Communitarians on the other hand proffer an articulation of justice that stresses the defence of cultural difference in the face of homogenising tendencies. Communitarian positions privilege difference over identity, thus underestimating what humanity might have in common. This scenario suggests that cosmopolitanism necessarily denies difference and plurality and that communitarianism necessarily

<sup>57</sup> I have outlined the problems with Brown's solution in Shapcott, 'Conversation and Coexistence'.

stands opposed to universal claims and to human unity. This debate suggests only two, necessarily oppositional, ways of approaching the question of international community. It offers only a choice between assimilation and coexistence, and offers little suggestion that these positions can be transcended.

At this point it is useful to turn again to O'Neill and the cosmopolitan critique of communitarianism.<sup>58</sup> O'Neill argues that while the question: '[W]hat level of agreement can we or do we presuppose?', is necessary, it is not enough. Communitarian thinkers make the mistake of thinking that an established community is the limit and sole basis for arriving at moral principles. In a situation of moral diversity such as characterises the present there is as much need to construct new shared agreements as there is to understand existing ones. For O'Neill, therefore, the issue 'need not be "what agreement can we presuppose?" but rather, "[w]hat understanding and what agreement can we construct?"'<sup>59</sup> The communitarian approach makes the mistake of focusing on the first and ignoring or down-playing the latter. The communitarian position, according to O'Neill, has too determinate a conception of the 'we' as a consequence of its focus on the first question rather than the second:

If one is concerned with presupposable agreements, the 'we' must be taken rather strictly. If on the other hand, one is concerned with the agreement that can be achieved, 'we' may have no unique interpretation and need not be defined by reference to any (pre-existing) shared ideal or outlook.<sup>60</sup>

The problem with the communitarian position is that it suggests the stricter version of the 'we', or, in the case of Walzer, posits a wider but very much weaker, or second order, 'we'.<sup>61</sup>

Universalist and cosmopolitan projects in contrast do not succeed in separating the two definitions of who 'we' refers to. Thus certain liberal conceptions of justice 'can be made more widely accessible only

<sup>58</sup> O'Neill's position shows how cosmopolitans and communitarians ask different questions and how these influence their substantive positions. In this sense, the cosmopolitan and communitarian positions provide useful and enlightening critiques of each other.

<sup>59</sup> O'Neill, 'Ethical Reasoning and Ideological Pluralism', p. 717.

<sup>60</sup> *Ibid.*

<sup>61</sup> A further problem with communitarian positions is that the position of coexistence requires the establishment of some agreement whereby difference can be valued and tolerance established, such as an 'ethics of coexistence', otherwise they lapse into an incoherent relativism. Such an agreement must in some sense be universal. Therefore at the very least even an ethics of coexistence requires an expansion of the meaning of 'we' and the development of some sort of universal ethic.

by imposing a conception of justice that embodies that (liberal) ideal',<sup>62</sup> that is, they are assimilative. O'Neill's questions suggest that in order to do justice to 'otherness', the question '[w]hat agreement can be constructed?' needs to be asked anew with the concerns of the communitarians in mind. The question that those concerned with the possibility of universal moral community need to ask is 'what community can be constructed, not by abstract, idealised and impartial agents, but by particular, embedded, concrete and situated agents?' In other words, an adequate account of the possibilities for justice to difference needs to include elements of cosmopolitan and communitarian positions in an exploration of how both can contribute to the constructive project.

One of the tasks of this chapter has been to suggest that a communitarian path to cosmopolitanism exists. In order to do justice to the other's alterity and to their humanity, in order to recognise the other as equal but not identical; in order to do justice to what is different and what is held in common, it is necessary to go beyond, while incorporating the best of both, liberal-cosmopolitan and communitarian positions. Taking such a path requires the attempt to conceive of the 'we' as a potential community of concrete agents engaged in a search for understanding.

The argument of this book is that the construction of a wider or universal sense of the 'we' that resists the movement of assimilation, both requires and endorses a practice of communication. Such a practice suggests the possibility of developing more inclusive moral communities without annihilating or assimilating the 'other'. It suggests an encounter with the other that is premised on the possibility of mutual understanding and agreement. In attempting to communicate an effort is being made to engage the other's difference through what is common, and that, in the first instance, is language. To encounter the other as different we need to presuppose as little as possible regarding their identity, only that we are capable of communicating with them and they with us. Understanding and agreement are possible because the other is seen neither as absolutely 'other' nor as essentially identical. To achieve this the other and the self must be understood from both 'concrete' and 'generalised' standpoints. From the standpoint of the 'concrete' other, the 'other' is understood as embedded in particular socio/politico/cultural situations: from the standpoint of the 'generalised' other it is possible to assume the capacity for communication and understanding as abstract properties belonging to particular selves or as

<sup>62</sup> *Ibid.*, p. 716.



universally shared capacities. Both standpoints are required in order to facilitate and undertake conversation. To enable genuine communication, acknowledgement of the concrete other must take place. Likewise, both the desire and the belief in conversation must exist and this requires emphasis on the possibilities of the generalised other. It is the standpoint of the 'generalised' other that motivates the question: 'what type of agreement/understanding can be constructed?'

A practice of communication premised on these grounds attempts to work towards a cosmopolitan morality from communitarian premises. In so doing, it suggests that the standpoints of the concrete and generalised other are both necessary and mutually corrective positions. Likewise, cosmopolitanism and communitarianism can be understood as mutually corrective, rather than mutually exclusive, positions. An ethics of communication so formulated takes from the cosmopolitan/Kantian tradition the project of universal community, to treat all others in a moral fashion regardless of national or communal boundaries. From the communitarian position it takes the premise that treating others in a moral fashion requires paying attention to their particularity and that such particularity may place (flexible) limits on the possible 'thickness' of any larger community. In this way a practice of communication aims to incorporate, while at the same time transcending, the insights of both cosmopolitanism and communitarianism.

## **Conclusion**

This chapter has pursued the idea that the meaning of justice should incorporate the idea of justice to difference, and that a relationship premised on communication suggests a possible way of achieving such an aim. It can be suggested here that an account of justice as communication remains universalist in aspiration, while at the same remaining attentive to particularity. Phrasing this slightly differently, a communicative morality is universally inclusive of particular, situated agents. In this regard, Young has suggested the possibility of distinguishing between two senses of universalism. She argues that '[U]niversality in the sense of the participation and inclusion of everyone in moral and social life does not imply universality in the sense of the adoption of a general point of view that leaves behind particular affiliations, feelings, commitments, and desires.'<sup>63</sup> A communicative morality aspires to the

<sup>63</sup> Young, *Justice and the Politics of Difference*, p. 105.

first but not the second dimension of universality. The development of accounts of moral life that emphasise this first 'thin' sense of universalism and attempt to transcend the cosmopolitan/communitarian divide is what provides the focus of the next chapter. The 'interpretive' approaches of constitutive theory, poststructuralism and critical theory can all be understood as attempts to incorporate a communicative dimension to the question of community while aspiring to universalism. Chapter 2 examines these accounts and begins to assess their communicative dimension.